

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

**MICHAEL ELLISON, ANDREA
GRAHAM, AND ARIN JENKINS, on
behalf of themselves and others similarly
situated,**

Plaintiffs,

v.

**INOVA HEALTH SYSTEM
FOUNDATION, and INOVA HEALTH
CARE SERVICES,**

Defendants.

Civil Action No. 1:23-cv-00132-MSN-LRV

CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 7(I) of this Court's Local Rules, Defendants Inova Health System Foundation and Inova Health Care Services ("Inova" or "Defendants"), by and through the undersigned counsel and with the consent of Plaintiffs Michael Ellison, Andrea Graham, and Arin Jenkins ("Plaintiffs"), hereby moves this Court for an extension of time to and including March 14, 2023, to respond to the Complaint. Defendants and Plaintiffs are collectively referred to as the "Parties." In support of this Motion, Defendants state as follows:

1. Plaintiffs filed their Complaint on January 30, 2023. ECF No. 1.
2. According to the Proof of Service forms filed on February 17, 2023, Plaintiffs served the Complaint and summons on Defendants through their registered agent on or about February 2, 2023. ECF Nos. 5 and 6.
3. Accordingly, in the absence of an extension, the deadline for Defendants to Answer

or otherwise respond to Plaintiffs' Complaint is February 23, 2023. *See* Fed. R. Civ. P. 12(a)(1)(A).

4. However, undersigned counsel was recently retained and respectfully requests a modest extension until March 14, 2023, to answer or otherwise respond to the Complaint. The purpose of this extension is to allow defense counsel sufficient time to more fully investigate the allegations contained in the 33-page Complaint so that Defendants may respond to those allegations in an appropriate pleading(s).

5. Prior to filing this motion, undersigned counsel contacted Plaintiffs' counsel to determine whether Plaintiffs would consent to this extension request. Plaintiffs kindly consented to this request, subject to the Court's approval.

6. No prior requests to extend this deadline have been made, and the purpose of this extension is not to cause undue delay of the proceedings. Moreover, no party will be prejudiced by this extension.

7. For good cause shown, Defendants respectfully request that the Court extend the deadline to file an answer or other pleading responsive to the Complaint until, and including, March 14, 2023. A proposed Order is enclosed.

WHEREFORE, Defendants Inova Health System Foundation and Inova Health Care Services respectfully requests that the Court grant this Motion and enter an Order extending the deadline to answer or otherwise respond to the Complaint until March 14, 2023.

Dated: February 21, 2023

Respectfully submitted,

/s/ Nancy N. Delogu

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*Counsel for Defendants Inova Health System
Foundation and Inova Health Care Services*

CERTIFICATE OF SERVICE

I hereby certify that, on the 21st day of February 2023, I caused a copy of the foregoing CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT, and a proposed Order in support thereof, to be served through the Court's Electronic Case Filing (ECF) system on the following counsel of record:

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